

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading April 27, 2009
Case/Project No.: FY10-11A Resolution No. _____
Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

Council consideration of a resolution accepting the bid of Leazenby Construction in the amount of \$1,971,761.13 for the Broadway Streetscape-Phase II, also called (Downtown Streetscape-Phase VIII-Broadway). Project #FY10-11A.

BACKGROUND/DISCUSSION

- On April 16, 2009, bids were received in the city clerk's office as followed:

	<u>Division I</u> <u>General</u>	<u>Division II</u> <u>Pavement</u>	<u>Division III</u> <u>Storm Sewer</u>	<u>Division IV</u> <u>Sanitary Sewer</u>	<u>Division V</u> <u>Water Main</u>	<u>Division VI</u> <u>Traffic</u>	<u>Division VIII</u> <u>Streetscape</u>	<u>Total</u>
Leazenby Const.	\$51,954.92	\$263,295.80	\$138,575.87	\$419,132.47	\$203,101.29	\$312,151.54	\$583,549.24	\$1,971,761.13
R. D. Blue Const.	\$56,635.90	\$293,710.42	\$117,860.00	\$418,175.20	\$193,011.50	\$291,067.50	\$602,146.28	\$1,972,606.80
MFT Const.	\$71,579.00	\$349,455.80	\$147,924.96	\$474,108.81	\$267,151.68	\$309,314.50	\$634,189.91	\$2,253,724.66
Engineers' Opinion	\$56,423.00	\$274,634.00	\$106,885.00	\$392,677.20	\$250,329.50	\$229,950.00	\$623,384.00	\$1,934,282.70

- The city, in partnership with Iowa West Foundation has implemented a program to rebuild the downtown public infrastructure and incorporate a streetscape theme. Seven phases have been completed to date. The first phase was in 1998 and the seventh was in 2008.
- To date the total cost of the program is \$12,700,000.
- Proposed is Phase VIII overall and Phase II for the Broadway section. Phase II is Broadway from 2nd Street to 1st Street.
- Improvements in Phase VIII include street, storm sewer, and sanitary sewer replacement. Streetscape amenities include landscaping, irrigation, walls, entry columns, interpretive elements, benches, street lights, decorative concrete and brick.
- HGM and Public Works met with local businesses along this project. We have incorporated public input into the final design.
- Due to PCDC building demolition on the south side of Broadway and extensive utility relocation work in the 1st Street & Broadway intersection, the project will be constructed in two phases. Phase A, FY10-11A, will reconstruct Broadway & 2nd Street intersection, then the north sidewalk with various utilities, then the Broadway & 1st Street intersection. This work will be completed in 2009. The second phase FY10-11B will reconstruct the street between 1st and 2nd Street, and the south sidewalk. Phase B will be bid in the winter of 2009 and will begin in the spring of 2010.
- This is project FY10-11 in the CIP and total cost of the project is estimated at \$3,100,000. The project budget is \$1,500,000 GO Bonds, \$1,300,000 Iowa West Foundation Grant, and \$300,000 Council Bluffs Water Works. Phase A, FY10-11A - 2009 construction and engineering is estimated at \$2,000,000. Phase B, FY10-11B - 2010 construction and engineering is estimated at \$1,100,000.
- This project includes a \$20,000 incentive. The Contractor can earn the full \$20,000 by substantially completing the project by October 20, 2009. From October 21st to October 30th, the amount is reduced \$2,000 per calendar day. Beginning October 31, 2009, liquidated damages will begin at \$500.00 per calendar day.
- Project Schedule is: Setting the Public Hearing, March 9, 2009; Hold Public Hearing, March 23, 2009; Construction Letting, April 16, 2009 and Construction Award, April 27, 2009; Construction Start May, 2009; Construction Completion November, 2009.

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

[illegible]

RESOLUTION
NO. 09-117

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
LEAZENBY CONSTRUCTION FOR THE
BROADWAY STREETScape-PHASE II,
ALSO CALLED (DOWNTOWN STREETScape-PHASE VIII-BROADWAY)
FY10-11A**

WHEREAS, the plans, specifications, and form of contract for the Broadway Streetscape-Phase II, also called (Downtown Streetscape-Phase VIII-Broadway) are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on March 9, 2009, and the plans, specifications and form of contract were approved; and

WHEREAS, Leazenby Construction has submitted a low bid in the amount of \$1,971,761.13 for this contract.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the bid of Leazenby Construction in the amount of \$1,971,761.13 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the Broadway Streetscape-Phase II, also called (Downtown Streetscape-Phase VIII-Broadway); and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Leazenby Construction for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

RESOLUTION NO. 09-118

A RESOLUTION granting preliminary plan approval for a ten-lot residential subdivision to be known as 23rd Garden Place.

WHEREAS, Municipal Homes, Incorporated (MHI), as the contract purchaser, has applied for preliminary plan approval for a ten-lot residential subdivision to be known as 23rd Garden Place, located on approximately 5.86 acres along the south side of 23rd Avenue, west of South 19th Street; and

WHEREAS, the preliminary plan has been reviewed by the appropriate city departments and utilities; and

WHEREAS, approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, "but is deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat"; and

WHEREAS, the Planning Commission concurs with the Community Development Department, and recommends approval of the preliminary plan for a ten-lot residential subdivision to be known as 23rd Garden Place, as shown on the attachments, subject to the following actions and conditions:

1. Upon approval by the Iowa Finance Authority (IFA) of Low Income Housing Tax Credits to MHI and proof of acquisition of the land, the Community Development Department will propose a development agreement to commit CDBG funds for installation of water, sanitary sewer, storm sewer and South 19th Street reconstruction.
2. A deed conveying to MHI the right-of-way vacated by Resolution No. 08-301 shall be recorded with the County.
3. Increase the width of Lot 1 to 65' and adjust the lot lines for Lots 2 through 6 and decrease the drive entrance by 10' to accommodate the six lots.
4. The minimum setback for all structures along 23rd Avenue shall be 20' from the property line.
5. Request a Water Main Extension Agreement for residential service along South 19th Street. Arrange through the Council Bluffs Water Works for appropriately sized and designed water supply with direct service to each lot with fire flow levels adequate to support the proposed sprinklered, multi-family uses (apartment building, 3 four-plexes and one six-plex); and
6. Install fire hydrants, at developer's expense, to comply with Water Works requirements and the Fire Safety Code. All drives shall meet the minimum pavement standards and turn radii necessary for emergency access as determined by the Fire Marshal.
7. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.

8. All utilities shall be installed underground, including any additional lines extended to serve the site along 23rd Avenue or South 19th Street; and
9. Streetlights along South 19th Street shall be removed and replaced with the street reconstruction. The location of streetlights shall be determined by the City and installed at developer's expense, prior to final plat approval; and
10. The lighting plan for the private drive and parking areas shall be developed and installed along with construction of the private drive. All lighting for the apartment parking lot and common area shall be in place prior to issuance of a Certificate of Occupancy for the building.
11. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth moving activity. All necessary local and state permits, including a storm water pollution prevention plan and grading permit shall be reviewed and approved by the proper review authority.
12. Sidewalk shall be installed along the South 19th Street frontage of each lot, at no expense to the City, prior to issuance of a certificate of occupancy for each house. Walkways within Lot 7, as shown on the attachments, shall be installed at no expense to the City prior to issuance of a certificate of occupancy for the adjacent structure.
13. Install a 6' tall vinyl fence along 23rd Avenue frontage of Lots 1 and 7 prior to approval of the final plat. Final fence design shall be subject to approval by the Director of the Community Development Department.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That preliminary plan approval for 23rd Garden Place, as shown on the attachments, is hereby approved subject to the conditions set forth above.

ADOPTED
AND _____, 2009
APPROVED

RESOLUTION NO. _____

PAGE THREE

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

Planning Case No. SUB-09-002

Council Communication

Department: Community Development Case #SUB-09-002 Applicant: Municipal Homes Incorporated	Resolution No. _____	City Council: April 27, 2009 Planning Commission Meeting: April 14, 2009
Subject/Title		
<p>Preliminary plan approval for a 10 lot residential subdivision to be known as 23rd Garden Place, a replat of 5.857 acres being a portion of Lots 13 through 22, Block 19, all of Block 20, including the vacated alleys, all of Lots 1 through 5, Lots 18 through 24 and the vacated alleys adjacent to said lots, Block 37, the portion of vacated 24th Avenue adjacent and the portion of South 20th Street adjacent, all in Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa.</p>		
Background/Discussion		
<p>Municipal Homes Incorporated (MHI), as the contract purchaser, has applied for preliminary plan approval for a 10 lot residential subdivision to be known as 23rd Garden Place located on approximately 5.86 acres along the south side of 23rd Avenue, west of South 19th Street. A twenty-unit apartment building with 2 one-bedroom units, 10 two-bedroom units and 8 three-bedroom units is proposed for Lot 7 along with 18 townhouses (three four-plexes and one six-plex). All of these units will be rental property managed by the Municipal Housing Authority. Nine single family residential lots (Lots 1- 6 and Lots 8-10) will be acquired by the Community Housing Investment Corporation (CHIC) and sold separately. These lots all have direct access from South 19th Street, which will be improved concurrent with subdivision construction. The roadways inside the subdivision will be private drives with access at both 23rd Avenue and South 19th Street. By Resolution No. 08-301, dated October 13, 2008 the City Council approved vacation of 24th Avenue right-of-way, South 20th Street right-of-way and the north ½ of both north/south alleys in Block 37, Railroad Addition, subject to MHI acquiring the land and replatting the property. The other rights-of way within the proposed subdivision were vacated earlier. The preliminary plan and site layout are attached for your review.</p> <p>Municipal Housing Incorporated (MHI) is seeking Low Income Housing Tax Credits from the Iowa Finance Authority (IFA). Upon approval of the tax credits, the Community Development Department will propose a development agreement between MHI and the City committing CDBG funds for the construction of water, sanitary sewer, storm sewer along with reconstruction of South 19th Street from 23rd to 25th Avenue.</p> <p>This property and the abutting land on the east, west and south are zoned R-3/Low Density Multi-Family Residential. R-2/Two Family Residential lies to the southeast with I-2/General Industrial across 23rd Avenue on the north. The current zoning is appropriate for the proposed use. Rezoning is not necessary.</p> <p>Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, 'but is deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04 – Subdivision Ordinance)</p> <ol style="list-style-type: none">1. The proposed subdivision is consistent with the future land use map in the 1994 Comprehensive Plan, which shows this area for multi-family residential use. The lots all exceed the minimum lot size required by the Zoning Ordinance.		

2. Each of the 10 proposed lots will directly abut public right-of-way. The entrance drive from 23rd Avenue is 26' wide, widening to 40' south of the apartment building parking lot and turning east to South 19th Street. The typical street cross section is consistent with Public Works standards.
3. Public Works has reviewed the sanitary sewer and storm drainage plans as presented. The private sanitary sewer system in Lot 7 will connect to the City's system in South 19th Street. Laterals will connect each single family residence. A 24" storm sewer will also connect to the new storm sewer proposed for South 19th Street. On-site detention appears consistent with City design standards.
4. There is potential for 23rd Avenue to be widened in the future. The drainage ditch along both sides of the street has area inlets which convey storm flows to 15th Street and then to the Creek. There is no sidewalk on either side of the street. A 10' wide trail is proposed for the north side when the road is widened. Sidewalk along 23rd Avenue will not be mandated with the subdivision. In order to keep residential structures farther from 23rd Avenue, the width of Lot 1 should be increased by 10' to 65' and the rest of the lots north of the 19th Street entry drive adjusted accordingly. There is room to make that adjustment and to move the storm sewer so that it does not cross proposed Lot 6. The minimum street side yard setback for Lot 1 will be increased from 15' to 20'.
5. Water and other utilities are available with sufficient capacity to serve the proposed development. The developer bears the cost of extending lines to the subdivision and service to each lot. Water main located in 23rd Avenue can supply the buildings in Lot 7. All of those buildings will need to be sprinklered. A 6" water line in South 19th Street extends only to the south right-of-way line of 24th Avenue. A water main extension agreement is needed to serve proposed Lots 8 through 10. That main will be installed with the street reconstruction.
6. All new electric service shall be installed underground. Any additional lines extended to serve the site along 23rd Avenue or South 19th Street shall be underground.
7. Parking as shown on the site plan meets the minimum requirements for residential parking. Two off-street spaces are required for each single family structure along South 19th Street.

Recommendation

The Community Development Department recommends approval of the preliminary plan for a 10 lot residential subdivision to be known as 23rd Garden Place, as described above and as shown on the attachments, subject to the following actions and conditions:

1. Upon approval by the Iowa Finance Authority (IFA) of Low Income Housing Tax Credits to MHI and proof of acquisition of the land, the Community Development Department will propose a development agreement to commit CDBG funds for installation of water, sanitary sewer, storm sewer and South 19th Street reconstruction.
2. A deed conveying to MHI the right-of-way vacated by Resolution No. 08-301 shall be recorded with the County.
3. Increase the width of Lot 1 to 65' and adjust the lot lines for Lots 2 through 6 and decrease the drive entrance by 10' to accommodate the six lots.
4. The minimum setback for all structures along 23rd Avenue shall be 20' from the property line.
5. Request a Water Main extension agreement for residential service along South 19th Street. Arrange through the Council Bluffs Water Works for appropriately sized and designed water supply with direct service to each lot with fire flow levels adequate to support the proposed sprinklered, multi-family uses (apartment building, 3 four-plexes and one six-plex).
6. Install fire hydrants, at developer's expense, to comply with Water Works requirements and the Fire Safety Code. All drives shall meet the minimum pavement standards and turn radii necessary for emergency access as determined by the Fire Marshal.

7. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
8. All utilities shall be installed underground, including any additional lines extended to serve the site along 23rd Avenue or South 19th Street.
9. Streetlights along South 19th Street shall be removed and replaced with the street reconstruction. The location of streetlights shall be determined by the City and installed at developer's expense, prior to final plat approval.
10. The lighting plan for the private drive and parking areas shall be developed and installed along with construction of the private drive. All lighting for the apartment parking lot and common area shall be in place prior to issuance of a Certificate of Occupancy for the building.
11. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth moving activity. All necessary local and state permits, including a storm water pollution prevention plan and grading permit shall be reviewed and approved by the proper review authority.
12. Sidewalk shall be installed along the South 19th Street frontage of each lot, at no expense to the City, prior to issuance of a certificate of occupancy for each house. Walkways within Lot 7 as shown on the attachments shall be installed, at no expense to the City prior to issuance of a certificate of occupancy for the adjacent structure.
13. Install a 6' tall vinyl fence along 23rd Avenue frontage of Lots 1 and 7 prior to approval of the final plat. Final fence design shall be subject to approval by the Director of the Community Development Department.

Public Hearing

Barbara Johnson, 505 South 6th Street, Municipal Housing Authority, representing the applicant, appeared before the Planning Commission in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission recommends approval of the preliminary plan for a 10 lot residential subdivision to be known as 23rd Garden Place subject to the actions and conditions listed in the staff recommendation.

VOTE: AYE 6 NAY 0 ABSTAIN 1 ABSENT 3 VACANT 1 Motion: Carried.

Attachments: Preliminary Subdivision Plat/sheets as noted on the Index and Site Layout plans.

Applicant: Municipal Homes Incorporated, Attn: Barbara Johnson, 505 S 6th St., Council Bluffs, IA
 Owner: RWF LLC, c/o Deborah Petersen, PLC, P. O. Box 893, Council Bluffs, IA 51502-0893
 Engineer: HGM Associates Inc., Bill Glismann, 5022 S 114 St., Suite 200, Omaha, NE 68137

Prepared by: Gayle M. Malmquist, Development Services Coordinator

23rd Avenue Narrative

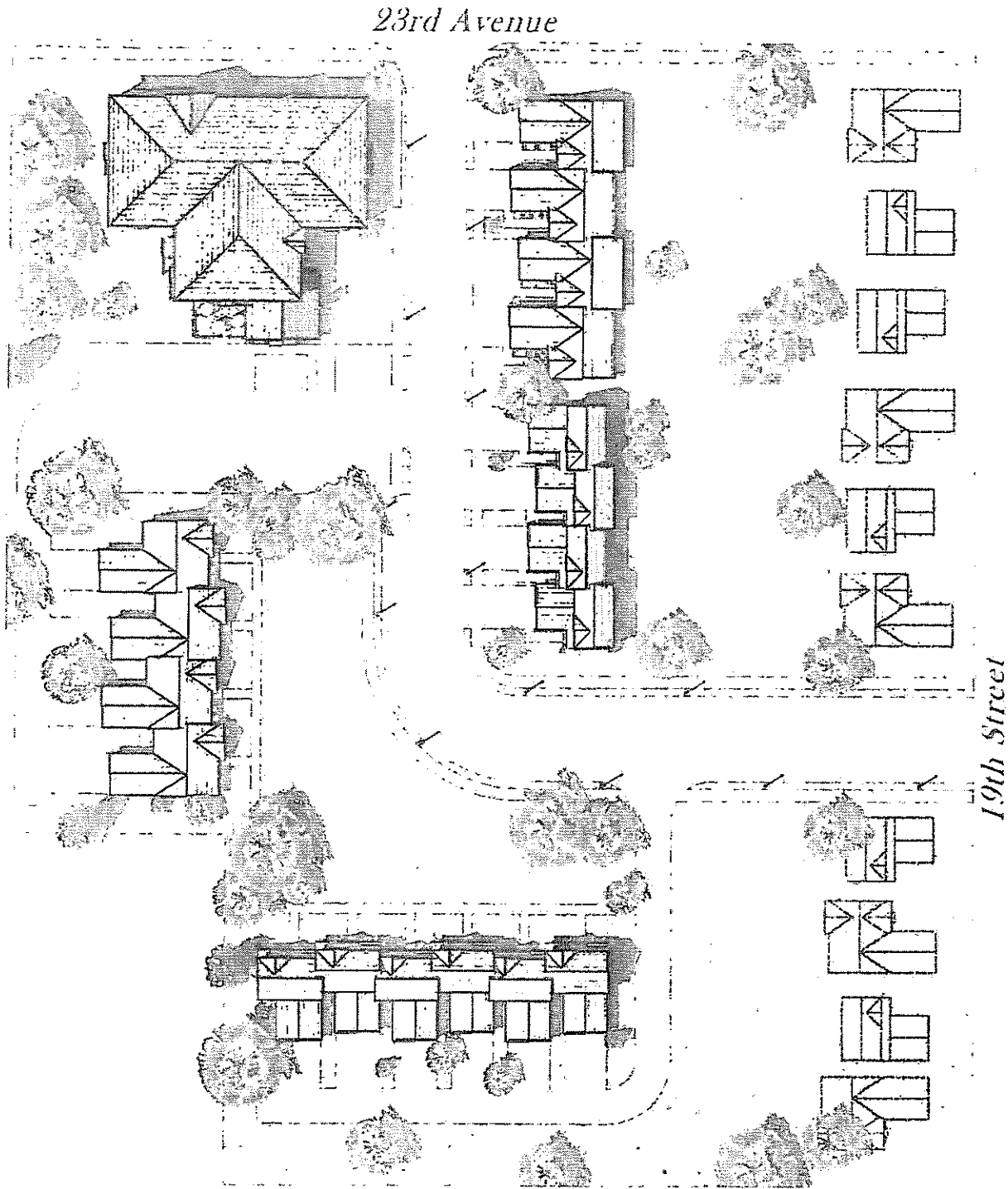
The 23rd Avenue project seeks to provide affordable housing to families and people with disabilities 40% to 70% of the area median income. The project addresses the problem of lack of affordable housing in Council Bluffs. MHI strives to build a quality attractive housing development that will improve the appearance of the Council Bluffs community.

This project will develop thirty-eight units of housing consisting of two one bedroom units at 750 square feet; eighteen two bedroom units at 950 square feet; and eighteen three bedroom units at 1,150 square feet. 10% of all units will be ADA Accessible with 2% of all units will be adapted to hearing and/or vision impaired. Averaging of construction costs for the one bedroom units will be \$129,259, \$150,974 for two bedroom units and \$190,241 for three bedroom units. All units will be furnished with stove, refrigerator, microwave, and dishwasher. Townhomes will have washer and dryer hook-ups and the multi-family building will have laundry facilities. The townhomes will also feature attached two-stall garages.

Units will be constructed incorporating energy efficiency to maximize comfort and health while reducing utility costs. The project will provide R19 wall insulation, Tyvek building wraps, vapor barriers, exterior siding will utilize wainscoting and fiber cement board products, Energy Star refrigerators; water heaters will have a minimum energy factor of 0.93 for tank-type electric and Energy Star-qualified lighting will be used to lower utility costs and greenhouse gas emissions. Designed windows will provide a good thermal break with Low-E glazing. The sizes and placement of the windows will maximize natural lighting and cross-ventilation and minimize heat gain from west glass.

Large green spaces will be included in the site development to promote outdoor activities and social interaction. Site development has been planned to minimize environmental impacts while enhancing human health, reduce construction costs and maximize energy and water conservation. There will be Storm Water Retention areas on-site that consist of gently sloping swales incorporating into the natural sod to accomplish the optimum effect of water collection. Preliminary indications are storm water will naturally percolate into the ground.

This project will create a healthy living environment through the use of materials that do not cause negative health impacts for residents or workers.

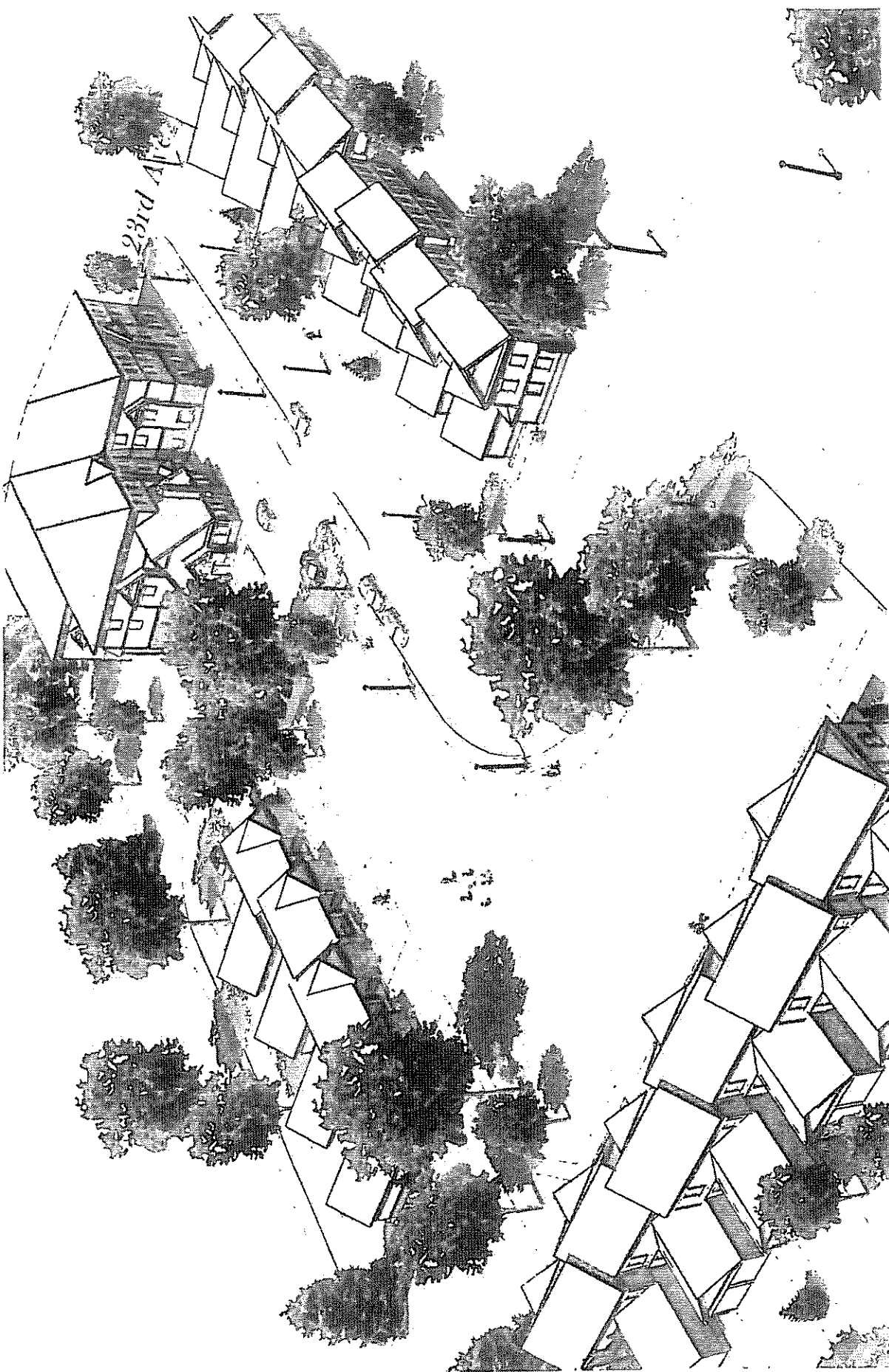


23rd Avenue and 19th Street
Option #2



Site Plan

JACKSON • JACKSON & ASSOCIATES, INC. 534
ARCHITECTS INTERIORS
1905 11 814 STREET OMAHA, NEBRASKA 68112
402.391.3996



23rd Avenue and 19th Street
Option #2


Aerial view of site
looking northwest

Multi-Family Unit

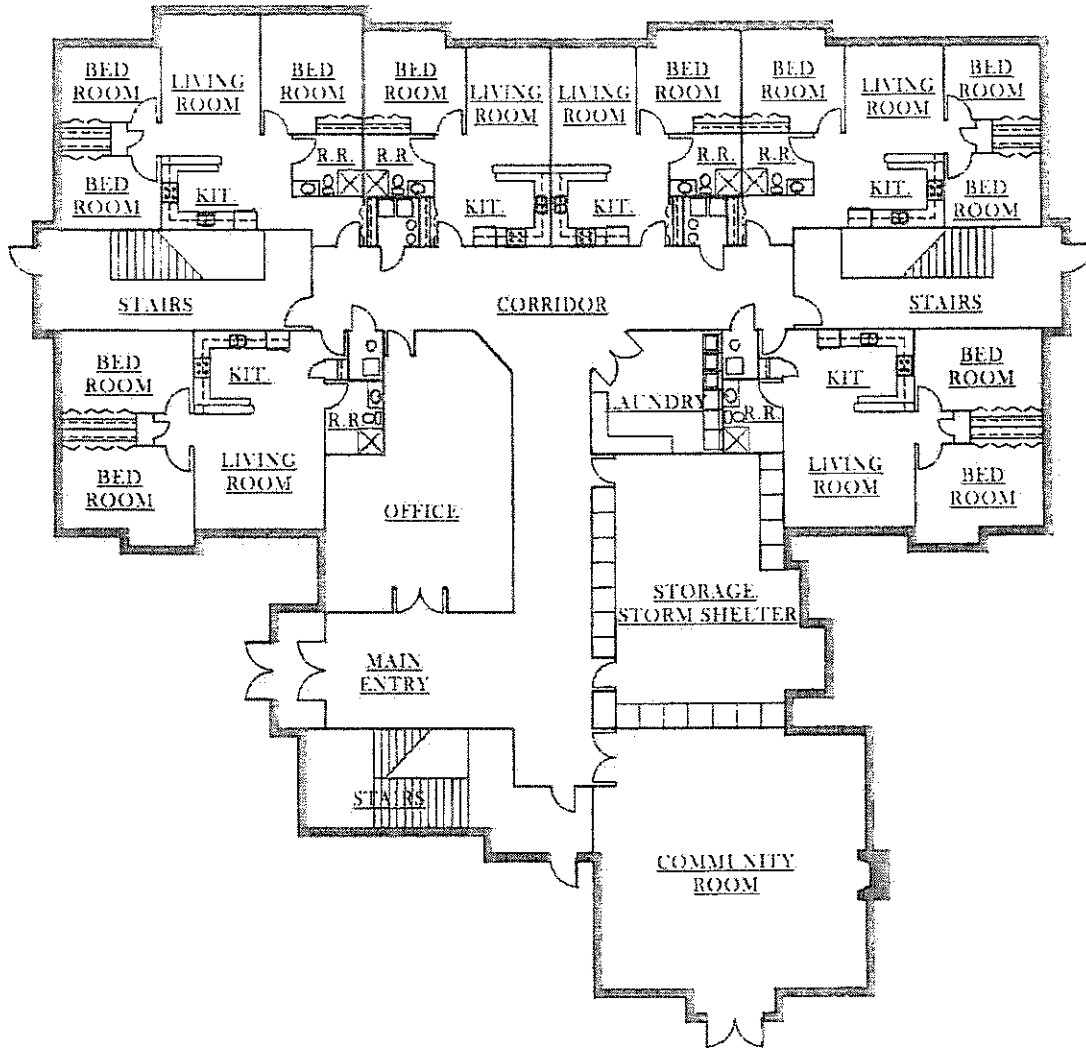


SOUTH ELEVATION

23rd Avenue and 19th Street
Option #2

JACKSON • JACKSON & ASSOCIATES, INC. 
ARCHITECTS INTERIORS
1905 11 815' STREET QUANA HERASIA 08112 402 391 3990

Multi-Family Unit



FIRST FLOOR PLAN

23rd Avenue and 19th Street
Option #2

JACKSON • JACKSON & ASSOCIATES, INC.
ARCHITECTS
1905 11 612 STREET
DUMAS, NEBRASKA 68114

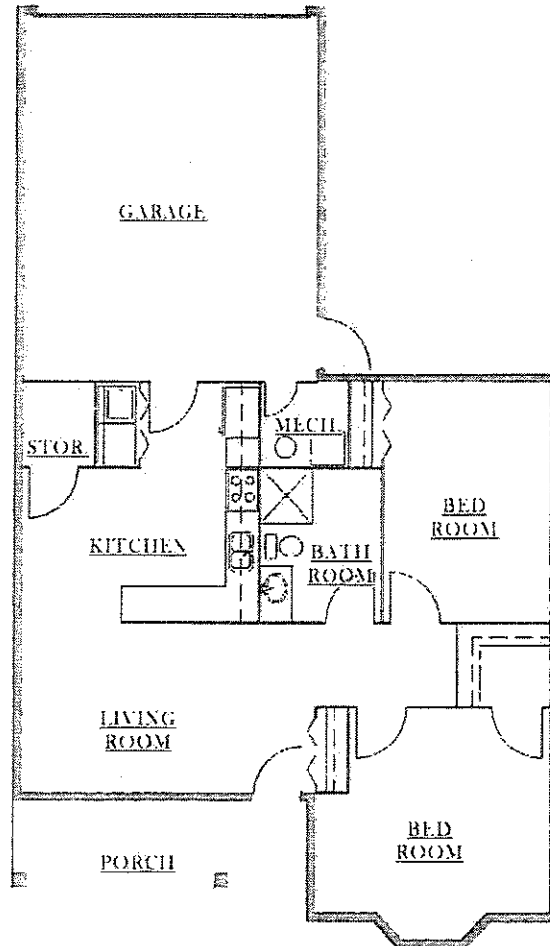
INTERIORS
402 391 3999



Single Story Unit #1



FRONT ELEVATION

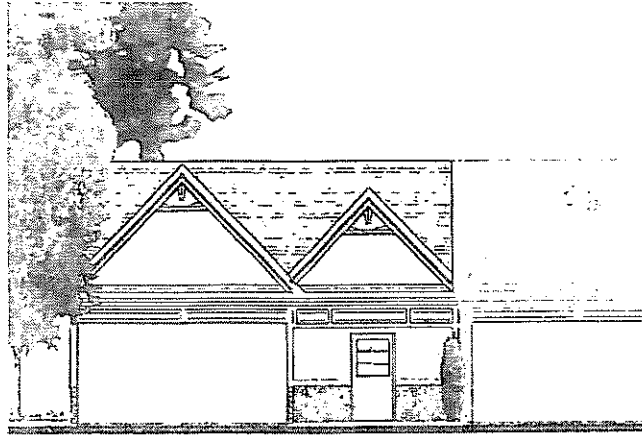


FLOOR PLAN

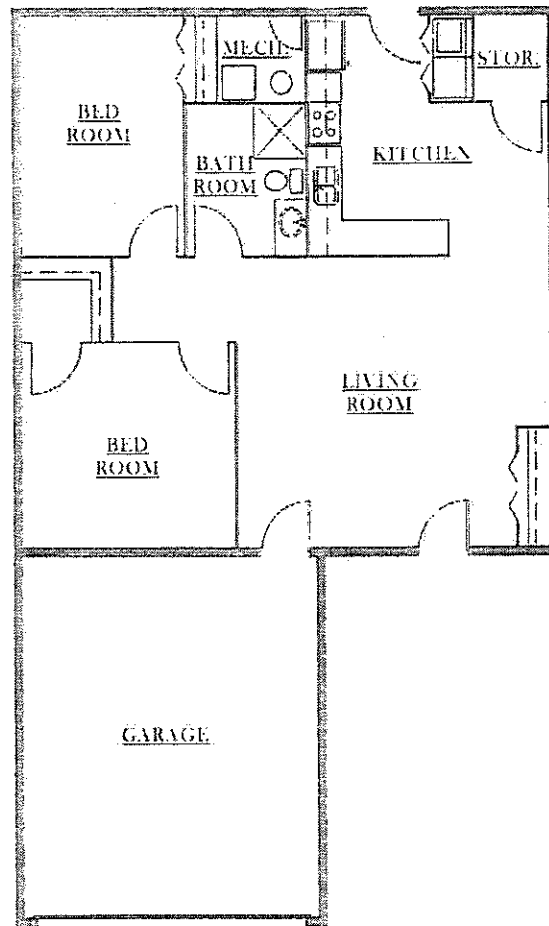
28rd Avenue and 19th Street
Option #2

JACKSON • JACKSON & ASSOCIATES, INC. 
ARCHITECTS INTERIORS
1905 W 81ST STREET OMAHA NEBRASKA 68114 402 391 3999

Single Story Unit #2



FRONT ELEVATION



FLOOR PLAN

23rd Avenue and 19th Street
Option #2

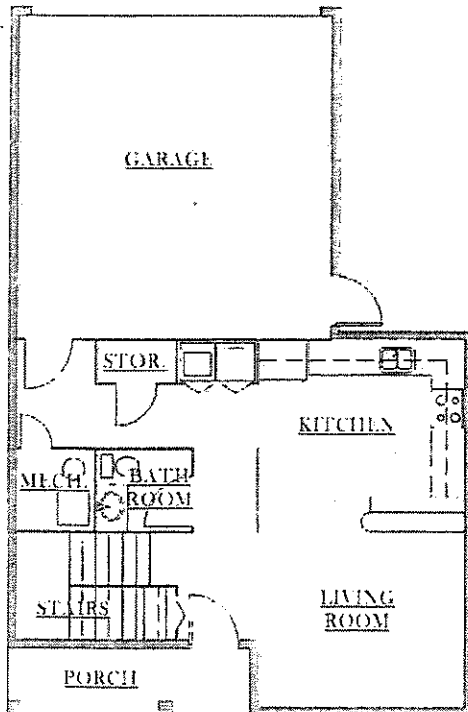
JACKSON • JACKSON & ASSOCIATES, INC.
ARCHITECTS
1905 11 6TH STREET
OMAHA NEBRASKA 68114
INTERIORS
402 391 3700



Two Story Unit #1

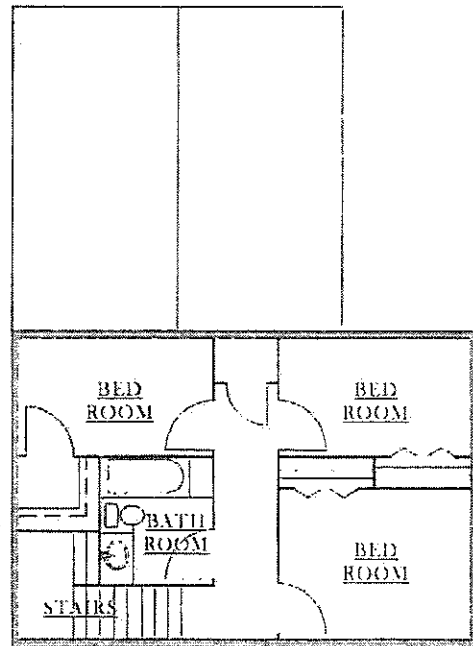


FRONT ELEVATION



FIRST FLOOR PLAN

23rd Avenue and 19th Street
Option #2



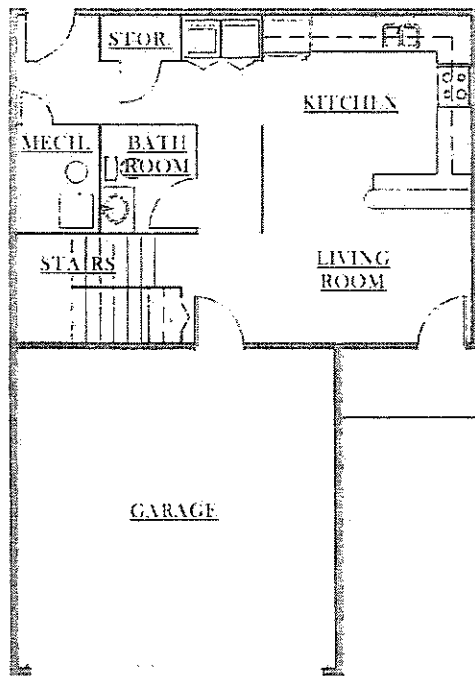
SECOND FLOOR PLAN

JACKSON • JACKSON & ASSOCIATES, INC.
ARCHITECTS INTERIORS
1905 11 812 STREET OMAHA NEBRASKA 68112 402 371 3999

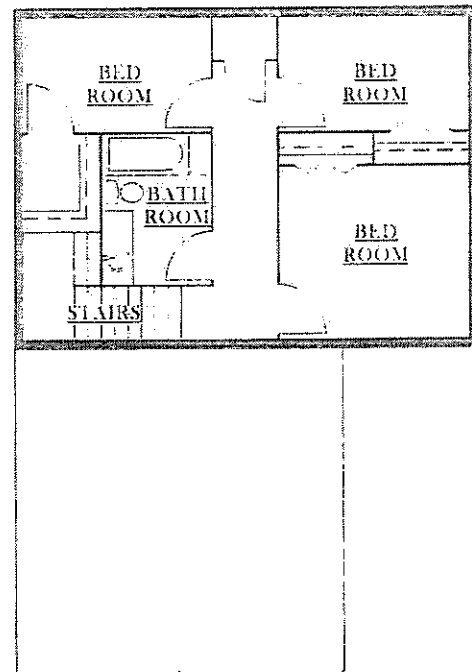
Two Story Unit #2



FRONT ELEVATION



FIRST FLOOR PLAN



SECOND FLOOR PLAN

23rd Avenue and 19th Street
Option #2

JACKSON-JACKSON & ASSOCIATES, INC.
ARCHITECTS
1905 N. 81ST STREET
OMAHA, NEBRASKA 68114

INTERIORS
422 391 3599



Resolution 09-112

A Resolution authorizing the issuance of notice to redeem general obligation bonds in the amount of \$5,680,000.

Be it resolved by the City Council of the City of Council Bluffs, Iowa:

Whereas: The City of Council Bluffs issued general obligation bonds with an interest rate of 5.0% in December 1991. From that issue, \$345,000 are payable on June 1, 2010 and

Whereas: The City of Council Bluffs issued general obligation bonds with an interest rate of 5.35% in March 2000. From that issue, \$2,450,000 are payable on June 1, 2010 and

Whereas: The City of Council Bluffs issued general obligation bonds with an interest rate of 4.125% in July 2001. From that issue, \$1,360,000 are payable on June 1, 2010.

Whereas: The City of Council Bluffs issued general obligation bonds with an interest rate of 4.50% in April 2002. From that issue, \$1,525,000 are payable on June 1, 2010.

Whereas: Significant savings in interest could be realized in the event general obligation bonds are issued at rates lower than the range of interest rates on these bonds.

That the City of Council Bluffs authorizes the issuance of a notice to redeem bonds on July 1, 2009 for Series March 2000 in the amount of \$2,450,000, Series July 2001 in the amount of \$1,360,000 and Series April 2002 in the amount of \$1,525,000, and also authorizes the issuance of a notice to redeem bonds on June 1, 2009 for series December 1991 bonds in the amount of \$345,000.

Adopted and Approved: April 27, 2009

Council Communication

Department: Community Development Case No. MIS-09-002 Applicant: City of Council Bluffs	Resolution No. _____	City Council: 4-27-09 Planning Commission: 4/14/09
Subject/Title		
Adopt the Council Bluffs Economic Development Strategic Plan and amend the Service Agreement between the City of Council Bluffs and the Council Bluffs Area Chamber of Commerce.		
Background/Discussion		
<p>The City Council authorized the Mayor to retain TIP Strategies, Inc. for the preparation of a strategic economic development plan in April 2008. The consultant worked with a 22 member steering committee, including three City staff. The Economic Development Plan was prepared through a three direction approach focusing on talent, innovation and place. The goals and strategies included in the plan relate to each or all of the three approaches. In addition to conducting retail sales analysis and other economic modeling approaches the consultants met and interviewed members of the community from a variety of sectors including: technology, manufacturing, health care, hospitality, retail, private development community and government.</p> <p>The three main goals of the Plan are as follows: 1) Stimulate and grow the economy through business development, 2) Develop, retain, attract and engage talent, and 3) Promote and enhance quality of place. Each goal is then further discussed within five priority strategies: 1) Concentrate on the needs of existing businesses, 2) Increase the availability of commercial and industrial land, 3) Enhance the image of Council Bluffs within the metropolitan region, 4) Support and strengthen the mission of Iowa Western Community College, and 5) Redevelopment the urban core. The Plan refines each priority strategies into actions. The priority section makes up the body of the Plan. Other plan components include an implementation matrix, target industries study, economic assessment and a summary of retail sales information.</p> <p>Implementation of the plan strategies will require cooperative efforts from many sectors of the community. Those potential roles are discussed in the implementation matrix. The Steering Committee agreed that although a variety of partners would be involved with the implementation, that one entity should have the primary responsibility to ensure the success of the plan objectives overall. Staff believes the Council Bluffs Area Chamber of Commerce d/b/a the Pottawattamie County Growth Alliance is the most appropriate entity to take the lead in the implementation of the Plan with the help of task forces assigned in each area.</p>		
Recommendation		
The Community Development Department recommends: 1) Adoption of the Council Bluffs Economic Development Strategic Plan, as presented and 2) Amendment of the service agreement between the City of Council Bluffs and the Council Bluffs Area Chamber of Commerce d/b/a Pottawattamie County Growth Alliance.		
Public Hearing		
Don Gross, Director of Community Development Department appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
Planning Commission Recommendation		
The Planning Commission recommends: 1) Adoption of the Council Bluffs Economic Development Strategic Plan, as presented and 2) Amendment of the service agreement between the City of Council Bluffs and the Council Bluffs Area Chamber of Commerce d/b/a Pottawattamie County Growth Alliance.		
VOTE: AYE 7 NAY 0 ABSTAIN 0 ABSENT 3 VACANT 1 Motion: Carried		
Attachment: The plan document has been sent electronically by email to all Commissioners. For a print copy, please contact the Community Development Department at (712) 328-4629.		
Report prepared by: Rose E. Brown, Urban Planner		

First Addendum to the Service Agreement
Between
City of Council Bluffs, Iowa
and
Council Bluffs Area Chamber of Commerce d/b/a Pottawattamie County Growth Alliance

Whereas, this is an addendum to the original Service Agreement made on or about May 2, 2008, by and between the City of Council Bluffs and Council Bluffs Area Chamber of Commerce d/b/a the Pottawattamie County Growth Alliance; and,

Whereas, the parties agree that the language in Paragraph 5 of the Service Agreement shall be amended to read as follows:

5.
 - a. Council Bluffs Economic Development Strategic Plan - On April 27, 2009 City Council adopted Resolution No. 09 - __ approving the Council Bluffs Economic Development Strategic Plan (Exhibit A). The Strategic Plan recommends three general activities: stimulate and grow the economy through business development; develop, retain, attract, and engage talent; and to promote and enhance the quality of place.
 - b. Designation of Lead Entity - Resolution No. 09 - __ adopted on April 27, 2009 by the Council Bluffs City Council designated the Chamber's Pottawattamie County Growth Alliance as the lead entity for implementing the Strategic Plan.
 - c. Work Plan -The Pottawattamie County Growth Alliance shall prepare and present to its board for approval a detailed annual plan of action that is consistent with the recommendations of the Strategic Plan. Further, the annual plan of action shall be implemented through the use of a committee structure organized around the five focus areas that include: business retention and growth; site development; redevelopment; image and appearance; and workforce development. The plan of action will be reviewed on an ongoing basis to ensure its continuing relevance to the economic development needs of the community and to identify additional areas of focus. In connection with these responsibilities, the Alliance shall:
 - Assume any and all administrative management responsibilities for activities undertaken pursuant to this Agreement.
 - Adhere to the Strategic Plan and plan of action approved by the Chamber and the Alliance Board.
 - If all grant funds paid by the City to the Alliance pursuant to paragraph 4 are not obligated for the aforementioned purposes prior to the end of the City Fiscal year, the Alliance shall provide a written report to the City which shall explain how and for what purpose the funds have been obligated for the next fiscal year.
 - Comply with the terms and conditions of any grant funds the City receives and in turn provides to the Alliance for economic development activities.
 - Alliance staff shall attend, as necessary, City Council meetings and provide comment and recommendations on economic development projects requiring City approval.

Thomas P. Hanafan, Mayor
City of Council Bluffs, Iowa

Date

Bob Mundt, President and CEO
Council Bluffs Area Chamber of Commerce

Date

Steve Krohn, Chairperson
Pottawattamie County Growth Alliance

Date

RESOLUTION NO. 09-_____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FIRST ADDENDUM TO THE SERVICE AGREEMENT BETWEEN THE CITY OF COUNCIL BLUFFS, IOWA AND COUNCIL BLUFFS AREA CHAMBER OF COMMERCE D/B/A POTTAWATTAMIE COUNTY GROWTH ALLIANCE.

WHEREAS, an agreement between the City of Council Bluffs and the Council Bluffs Area Chamber of Commerce D/B/A Pottawattamie County Growth Alliance (Alliance) was executed on April 28, 2008; and

WHEREAS, the agreement approved fiscal support for the Alliance's economic development initiative and established a work plan for said initiative; and

WHEREAS, the preparation and adoption of the Council Bluffs Economic Development Strategic Plan necessitates modifications to the work plan contained in the agreement; and

WHEREAS, an addendum to the agreement has been prepared which modifies the work plan outlined in paragraph 5 and designates the Alliance as the lead entity for implementing the Council Bluffs Economic Development Strategic Plan; and

WHEREAS, it is in the best interest of the City to make this change.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor is hereby authorized and directed to execute said First Addendum.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

RESOLUTION NO. 09-122

A RESOLUTION AUTHORIZING THE MAYOR TO ADOPT THE ECONOMIC DEVELOPMENT STRATEGIC PLAN.

WHEREAS, the City Council authorized the Mayor to retain TIP Strategies, Inc. to prepare a strategic economic development plan in April 2008; and

WHEREAS, the Plan was developed with the input of a 22 member steering committee including three City staff; and

WHEREAS, the three main goals of the Plan are to stimulate and grow the economy through business development; to develop, retain, attract and engage talent; and to promote and enhance the quality of place; and

WHEREAS, implementation of the plan strategies will require cooperative efforts from many sectors of the community; and

WHEREAS, the Planning Commission concurs with the Community Development Department recommendation to approve the Economic Development Strategic Plan presented; and

WHEREAS, this City Council finds adoption of the Economic Development Strategic Plan would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor is hereby authorized to adopt the Economic Development Strategic Plan.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

CASE #MIS-09-002

Council Communication
April 27, 2009 City Council Meeting

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: 09 -	First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A
Subject/Title		
10 th Avenue Reconstruction Project - Street Improvements		
Location		
10 th Avenue from South 6 th Street to South Main Street.		
Background/Discussion		
<u>Background</u> The City, Pottawattamie County Development Corporation (PCDC) and the Iowa West Foundation have been working on redeveloping the South Main Street area around 9 th Avenue for several years. PCDC is working with Artspace Projects, Inc. to convert the property at 1000 South Main Street into affordable multi-family housing for low income individuals and families. On October 8, 2007, the City Council adopted a resolution of support for the Low Income Housing Tax Credit project proposed by Artspace Projects, Inc., approved a development agreement detailing the local financial commitments for the project and approved \$145,000 in 2008 local HOME funds. However, prior to implementation of any project, the area's infrastructure must be improved.		
<u>Discussion</u> The infrastructure improvements include sidewalk improvements, landscaping, street lighting, street paving, sanitary sewer, storm sewer, water and engineering/inspection. All public infrastructures will be designed, installed and inspected under the City's supervision.		
The Community Development Department has determined a timeline for the street improvement portion of the project. It is anticipated that existing project fund balances and project revenues will be sufficient to pay for project costs. On February 23, 2009 a public hearing was held and City Council approved the plans, specifications and form of contract. The bid letting was contingent upon Artspace Projects, Inc. securing an investor for their Low Income Housing Tax Credits. Artspace Projects, Inc. has secured an investor and the City Clerk shall now be authorized to advertise for bids setting May 19, 2009 at 10:00 a.m. as the date and time for the bid opening for the project. The rest of the timeline shall be as follows:		
May 26, 2009	City Council award	
June 3, 2009	Start construction work	
August 26, 2009	Construction work complete	
Staff Recommendation		
The Community Development Department recommends the City Clerk be directed to advertise for bids setting May 19, 2009 at 10:00 a.m. as the date and time for the bid opening for the project.		
Attachments		
N/A		

RESOLUTION NO. 09-123

A RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE FOR BIDS FOR THE 10TH AVENUE RECONSTRUCTION PROJECT.

WHEREAS, The City wishes to make improvements known as the 10th Avenue Reconstruction Project – Street Improvements within the City, as therein described; and

WHEREAS, This project will involve street reconstruction to 10th Avenue between South 6th Street and South Main Street; and

WHEREAS, Such improvements are required to accommodate the further development of the area residentially; and

WHEREAS, The plans, specifications and form of contract for the street improvements were approved by City Council on February 23, 2009 and are on file in the office of the City Clerk; and

WHEREAS, A Notice of Public Hearing was published as required by law and a public hearing was held on February 23, 2009.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby authorized to advertise for bids setting May 19, 2009 at 10:00am as the date and time for the bid opening for the 10th Avenue Reconstruction Project – Street Improvements.

ADOPTED

AND

APPROVED: _____, 2009

Thomas P. Hanafan Mayor

ATTEST:

Judith H. Ridgeley City Clerk

Council Communication

Department: Legal Case/Project No. Applicant:	Ordinance No. Resolution No.	First Reading Second Reading Third Reading
Subject/Title A resolution to appoint Marcia Worden as Acting City Clerk.		
Background/Discussion This resolution has been placed on the agenda at the request of the City Council.		
Recommendation		

Richard Wade

Department Head Signature

Mayor Signature

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 09-124

A RESOLUTION TO APPOINT MARCIA WORDEN AS ACTING CITY CLERK.

WHEREAS, this resolution shall appoint Marcia Worden to the position of Acting City Clerk effective April 20, 2009; and

WHEREAS, compensation for the position of Acting City Clerk for Marcia shall be set at Grade 24, Step 2 of the City's nonunion pay scale.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That effective April 20, 2009, Marcia Worden is appointed to the position of Acting City Clerk with compensation as hereinabove stated.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia Worden, Acting City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading April 27, 2009
Case/Project No.: FY10-05D Resolution No. _____
Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

Council consideration of a resolution accepting the bid of contractor in the amount of \$ _____
_____ for the So. 32nd Street Sanitary Sewer Improvements. Project # FY10-05D.

BACKGROUND/DISCUSSION

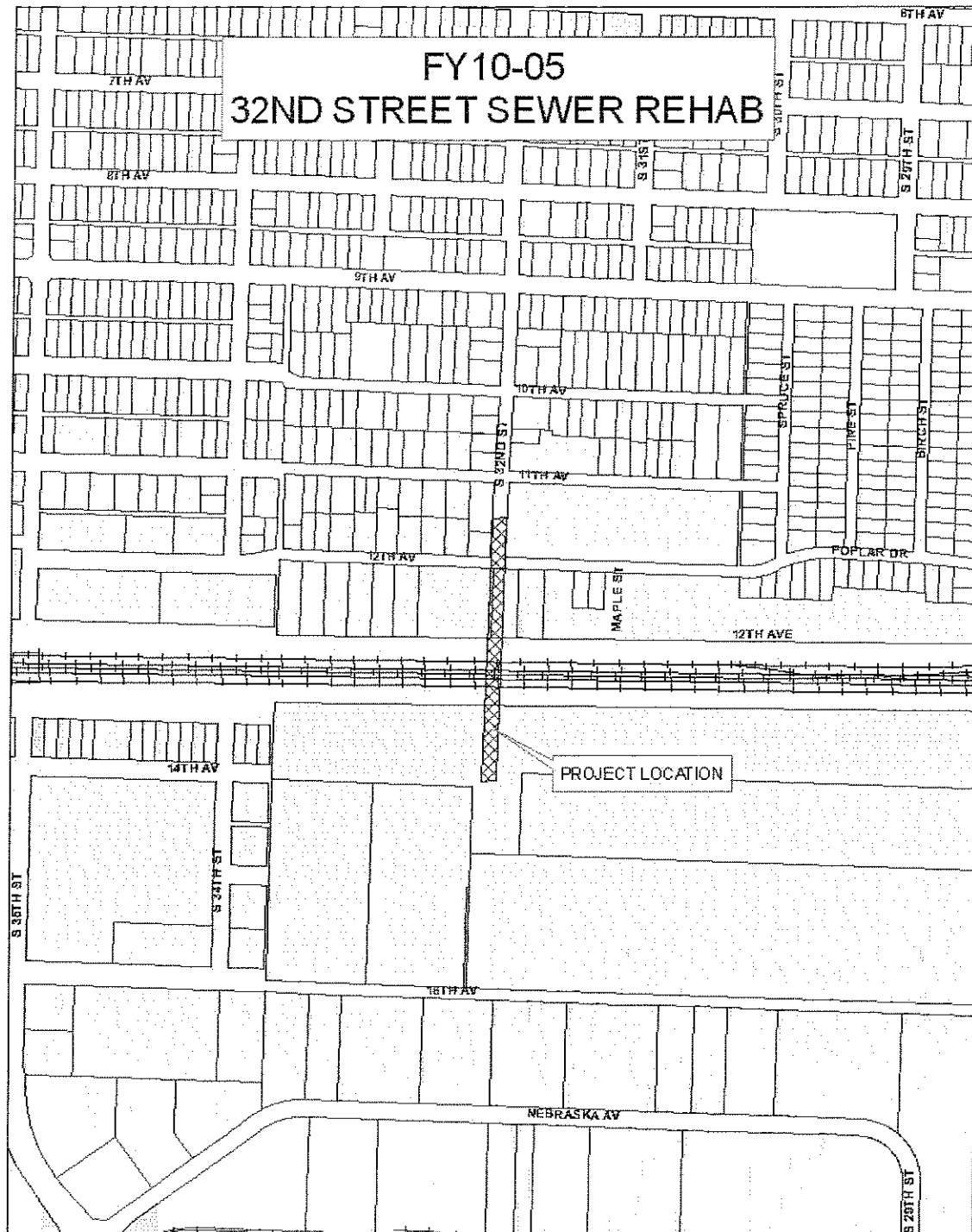
- On April 23, 2009, bids were received in the city clerk's office as followed:
- So. 32nd Street sanitary sewer is a major 30" trunk line that serves the Northwest area of the city.
- The So. 32nd Street sanitary sewer was constructed in 1961 and is in very poor condition.
- New sanitary sewer has been constructed south of Nebraska Avenue to 23rd Avenue.
- New sewer was constructed from Nebraska Avenue to 14th Avenue in 2008.
- This project will construct new sanitary sewer from 14th Avenue north to 12th Avenue.
- The project is FY10-05D in the CIP and has a budget of \$1,000,000 funded from sales tax revenue.
- The project schedule is:

Set Public Hearing	March 9, 2009
Hold Public Hearing	March 23, 2009
Project Letting	April 23, 2009
Project Award	April 27, 2009
Construction Start	May, 2009
Construction Completion	November, 2009

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director



RESOLUTION

09-127

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
CONTRACTOR _____ FOR THE
SO. 32ND STREET SANITARY SEWER IMPROVEMENTS
FY10-05D**

WHEREAS, the plans, specifications, and form of contract for the So. 32nd Street Sanitary Sewer Improvements are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on March 9, 2009, and the plans, specifications and form of contract were approved; and

WHEREAS, contractor has submitted a low bid in the
Amount of \$ for this contract.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the bid of contractor in the amount of \$ is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the So. 32nd Street Sanitary Sewer Improvements; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with contractor for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Council Communication

Department: City Clerk	Ordinance No. _____	
Case/Project No. n/a	Resolution No. <u>09-106</u>	Date: <u>April 13, 2009</u>
Applicant. Pottawattamie Co.		
Subject/Title		
Agreement with Pottawattamie County to share public safety services		
Background/Discussion		
<p>The Pottawattamie County Sheriff's Office is responsible for the operation of a 911 Communications Center and a public safety communication system. Pottawattamie County purchased a new public safety system (VisionAIR) for its use as well as for the cities of Council Bluffs, Avoca, and Carter Lake.</p> <p>Mayor Hanafan signed an agreement for the City of Council Bluffs to utilize the VisionAIR public safety system. Pottawattamie County created a comprehensive agreement specifically outlining the further duties and obligations of each party.</p>		
Recommendation		
It is recommended that City Council authorize the Mayor to sign the 28E Agreement for public safety services with Pottawattamie County.		

Department Head

Mayor Signature

RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE POTTAWATTAMIE COUNTY AGREEMENT TO
SHARE PUBLIC SAFETY SERVICES

RESOLUTION NUMBER 09-106

- WHEREAS the Pottawattamie County Sheriff's Office is responsible for the operation of a 911 Communications Center and a public safety communication system; and
- WHEREAS Pottawattamie County purchased a new public safety system (VisionAIR) for its use as well as for the Cities of Council Bluffs, Avoca, and Carter Lake; and
- WHEREAS Mayor Hanafan signed an agreement for the City of Council Bluffs to utilize the VisionAIR public safety system; and
- WHEREAS Pottawattamie County created a comprehensive agreement specifically outlining the further duties and obligations of each party; and
- WHEREAS such an agreement is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IA

That the Mayor is hereby authorized to sign the Agreement with Pottawattamie County to Share Public Safety Services.

ACCEPTED AND

APPROVED: April 13, 2009

THOMAS P. HANAFAN, MAYOR

ATTEST:

JUDITH H. RIDGELEY, CITY CLERK

AN AGREEMENT TO SHARE PUBLIC SAFETY SERVICES

THIS AGREEMENT, made and entered into this _____ day of _____ 2009, by and between the City of _____, Iowa, hereinafter (City) and Pottawattamie County, Iowa, hereinafter (County) for the combined use and benefit of all the parties.

RECITALS

WHEREAS the County, by and through the Pottawattamie County Sheriff's Office, is responsible for the operation of a 911 Communications Center and a public safety communication system in Pottawattamie County, Iowa.

WHEREAS the County has recently purchased certain public safety software, called VisionAIR, as well as supporting hardware and other equipment to upgrade and improve its public safety communications system throughout Pottawattamie County.

WHEREAS the City is responsible for providing certain public safety operations, such as fire, emergency medical services and law enforcement services for its citizens and wishes to utilize the County's System in providing those services to its citizens.

WHEREAS the County wishes to share the County's System with the City, in an effort to improve the efficiency of public safety communications throughout Pottawattamie County.

NOW THEREFORE BE IT RESOLVED that in furtherance of these goals and objectives, the County and City mutually agree as follows:

1. **PURPOSE.** The purpose of this Agreement is to share certain public safety communications resources among certain emergency response agencies in the County, namely the City of Avoca, the City of Carter Lake and the City of Council Bluffs. These resources include hardware, software and other support services. This sharing arrangement is intended to benefit the citizens of Pottawattamie County by improving emergency and public safety communication and standardizing data among those emergency response agencies in Pottawattamie County, Iowa.
2. **GENERAL OBJECTIVES.** The County currently operates a public safety communications system (System) for the use and benefit of the County and the City's fire, emergency medical services (EMS) and law enforcement operations as well as emergency and public safety services in the County. The System includes public safety software components to support emergency and public safety communications services such as computer-aided dispatch, mobile data computers, records management, civil process service and jail administration. It is the intent of

the County and the City to reduce their costs and increase system efficiency by standardizing and sharing these resources.

3. **TERM.** The initial term of this Agreement shall begin on the date executed and continue until June 30, 2011. Upon expiration of the initial term, the Agreement shall automatically renew for a one (1) year term beginning on July 1st of each year and continuing through June 30th of each year (entire fiscal year) unless terminated as otherwise provided in this Agreement.
4. **COSTS.** The County has purchased the System and all software licenses required for the City to join the System as a User. The City agrees to pay the cost of any additional software licenses which may be necessary for its use of the System as well as the annual software license maintenance costs (Maintenance Fee) associated with the City's software licenses and use of the System. Additional responsibilities of the County and the City are outlined below.

A. County Responsibilities:

The City acknowledges that the County has incurred, or will incur, the following costs associated with the City joining the System as a User:

1. The County has purchased the initial VisionAIR system software for use by the County and the City.
2. The County agrees to provide the initial software licenses required for the City use of the System based upon the City's current System usage requirement at County expense.
3. The County agrees to provide the CommSys (NCIC) software and licenses required for the City's use of the System based upon the City's current System usage requirement at County expense.
4. If applicable, the County agrees to transfer existing City records data from the New World software system and the CIS software system to the VisionAIR system at County expense. Transfer of records from another software system must be provided at the City's expense.
5. The County agrees to provide an interface from the County's System to the City's "Firehouse" software system at County expense. Interface to another fire services software system must be provided at the City's expense.
6. The County agrees to provide initial System training to the City at County expense.

7. The County agrees to provide the software and support services for Computer Aided Dispatch, Mobile Data Computers, Field Based Reporting and Records Management System at County expense.
8. The County agrees to be primarily responsible for supporting mobile data computers, network security, providing consulting services, performing network testing of any services added to the System at County expense.
9. The County agrees to be primarily responsible for maintenance costs on shared equipment owned by the County and a part of the County network. Maintenance costs shall not however include any costs for services performed on City owned equipment, hardware, hardware replacement, communication lines and similar items.

B. City Responsibilities:

The City's current usage requirement is eighteen (18) Mobile Data Computers (MDC) software licenses; 19 entry NCIC licenses; 7 inquiry NCIC licenses; 20 Records Management System licenses; and 22 Field-based Reporting licenses. The initial annual maintenance fee for these software licenses shall be at a cost of \$20,579 per year. Future Maintenance Fees will be assessed to the City as otherwise provided in this Agreement.

1. The City shall provide annual Maintenance Fees to the County on July 1 of each year at City expense. Maintenance Fees are equal to the amount VisionAIR charges the County per year for the City's use of the System.
2. The City is responsible for the purchase of any additional software licenses, other than the initial software licenses identified above, at City expense.
3. The City is responsible for maintaining City data on the System at City expense.
4. The City is responsible for providing the hardware, hardware replacement, communication lines and staff necessary for the City's use of the System at City expense.
5. **USER GROUP.** The County agrees to establish a User Group to include representation from the City's Information Technologies (IT) and law enforcement departments. The purpose of the User Group is to provide advice to the County in the development of policy, regulation and other matters pertaining to its public safety communications system.
6. **BUDGET.** Both the County and the City operate on a fiscal year budget (July-June). The County shall submit estimated Maintenance Fees for the upcoming fiscal year to

the City no later than September 1 of each fiscal year. The City shall notify the County whether or not it intends to budget for said Maintenance Fees no later than January 1 of each fiscal year. If the City determines that they do not wish to budget or pay Maintenance Fees, it may terminate this Agreement as otherwise provided in this Agreement.

7. **PROPERTY.** The System requires certain hardware, equipment and support. The duties and responsibilities of the County and the City concerning hardware, equipment and support are provided below.

A. **Hardware.** The following is a list of hardware items required by the System; outlining the present and future expenses required by a System User.

1. Existing Hardware. Equipment currently owned by the County or the City will remain the property and responsibility of that party. An initial inventory shall be made by the County and the City and incorporated into this Agreement at Exhibit A.
2. New Hardware. The County and the City agree to support a planned replacement schedule for major hardware components needed for the System. It is the intent of the User Group to plan for the depreciation and replacement of equipment such as mainframe or servers and routers. The replacement costs for the System shall be borne by the County. Replacement costs for City hardware and equipment shall be borne by the City. Replacement needs for the System shall be planned by the User Group on a four (4) year schedule for designated components, and System upgrades.
3. Workstations/PC's/Mobile Data Computers /Similar Components. Costs of these items will be the responsibility of the County and the City individually.
4. Maintenance Access. The City shall permit reasonable access to perform maintenance on shared equipment housed by the City. Access will be scheduled in advance by the County when possible. The City agrees to allow emergency 24-hour access with notice (telephone/pager) to the City housing the equipment or software when necessary.
5. New Software. Purchases of new software, hardware, equipment or support may be recommended to the County by the User Group. Ownership rights to new software, hardware or equipment are to be stated in a separate attachment to this Agreement. The County will retain ownership of the existing System. Other software, hardware or equipment

currently owned or newly purchased by the County or the City shall be and continue to be the property of that individual party.

8. **TERMINATION.** This Agreement may be terminated in writing by either party. Following the initial term, if the City wishes to terminate this Agreement it may do so upon written notice to the County no later than January 1 of any renewal term. Termination will be effective on the end of a fiscal year term (June 30). No Maintenance Fees will be reimbursed upon termination.
9. **DIVISION OF PROPERTY.** In the event of termination of this Agreement, the terms stated above control the division of property including any and all attachments for newly purchased property. A party may waive its rights to property.
10. **LIABILITY AND INDEMNIFICATION.** The County and the City shall be solely responsible for payment of salaries, wages or other compensation for their personnel performing services under this Agreement. Neither the County nor City shall be liable for compensation to an employee of the other for injury or sickness arising out of his/her employment, and the County and the City agree to indemnify, defend and hold each other harmless from any such claim. Neither the County nor the City, their officers and employees, shall assume any liability for the intentional or negligent acts of the other party, its officers or employees, and the County and City agree to indemnify, defend and hold each other harmless including their officers and employees against any such claim.
11. **RELATIONSHIP OF THE PARTIES.** No separate entity or agency is created by this Agreement. The County shall perform the services hereunder as an independent contractor and not as an agent or employee of the City. All policy, regulation and other matters pertaining to the operation of the System are to be determined solely by the County.
12. **NOTICES.** Notices due under this Agreement shall be delivered upon the following:

POTTAWATTAMIE COUNTY

CITY OF

Chairman Board of Supervisors
227 South 6th Street
Council Bluffs, IA 51501

City Clerk

Copy to:
Pottawattamie County IT Director
227 South 6th Street
Council Bluffs, IA 51501

Copy to:

13. FURTHER ASSURANCES. The County and the City agree to execute such other documents and perform such other acts as may be reasonably necessary to carry out the purposes of this Agreement.

14. ATTACHMENTS. All attachments to this Agreement shall be signed and dated by the authorized representatives of the County and the City if necessary.

15. SIGNATURES OF THE PARTIES. The undersigned parties have caused this instrument to be executed by their duly authorized representatives.

EXECUTED AS OF THIS ____ DAY OF _____ 2009.

POTTAWATTAMIE COUNTY

CITY

Chairman, Board of Supervisors

Mayor

City Clerk



Iowa Department of Transportation

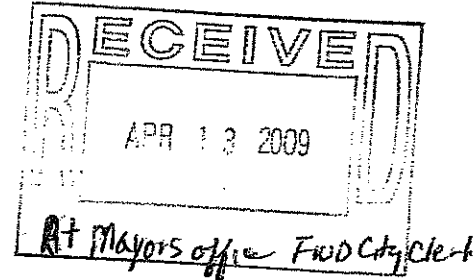
DISTRICT 4 OFFICE
2210 E 7th St., ATLANTIC, IA 50022

712-243-3355
FAX 712-243-6788

April 8, 2009

Re: Pottawattamie
IMN-80-1(303)0-0E-78
Notification Letter 2009-M-192

The Honorable Thomas Hanafan
Mayor
209 Pearl St.
Council Bluffs, IA 51503-4270



Dear Mayor Hanafan:

This is official notification to your City Council that the Iowa Department of Transportation (DOT) proposes to let a Portland Cement Concrete (PCC) patching project on I-80 from the Missouri River east to the Cass County line on April 21, 2009. A part of said project lies within the city.

The work will be done in accord with the current Form 810034 "Agreement for Primary Road Extension Maintenance and Operation". Project costs will be paid from the Primary Road Fund and no charges will be made against the City.

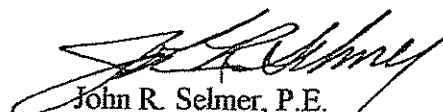
The project is proposed for construction during 2009.

Resident Engineer, Orest Lechnowsky, of Council Bluffs, Iowa, telephone number 712-366-0568 will advise you of the contractor's proposed schedule when the information is available.

We would appreciate this project notification being included on your next City Council meeting agenda as a matter of information for the Council members.

If you have any questions concerning the work involved, please contact this office as soon as possible in order to expedite any possible changes.

Sincerely,


John R. Selmer, P.E.
District Engineer

JRS/mlj

cc: Deanne Popp, Office of Local Systems
Orest Lechnowsky, Council Bluffs 9.A.